

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

MDL No. 3076

CASE NO. 1:23-md-03076-KMM

IN RE:

FTX Cryptocurrency Exchange Collapse Litigation

THIS DOCUMENT RELATES TO:

Domestic Venture Capital Funds

**ORDER GRANTING AGREED JOINT MOTION REGARDING
DOMESTIC VC DEFENDANTS' MOTIONS TO DISMISS**

THIS CAUSE came before the Court on the Agreed Joint Motion Regarding Domestic VC Defendants' Motions to Dismiss (the "Motion"). This Court, having considered the Motion and all other relevant factors, hereby

ORDERS AND ADJUDGES that:

I. Briefing Schedule

The Court authorizes the following briefing schedule for motions to dismiss Plaintiffs' Administrative Class Action Complaint and Demand for Jury Trial: Domestic Venture Capital Funds (ECF 157) ("Master Complaint") by "Domestic VC Defendants" (as that term is defined in the Master Complaint), subject to the requirements set forth in this Order.

- (a) **Motions to Dismiss.** Domestic VC Defendants shall file any motions to dismiss the Master Complaint by September 22, 2023.
- (b) **Oppositions.** Plaintiffs shall file their omnibus opposition to Domestic VC Defendants' motions to dismiss by November 6, 2023.
- (c) **Replies.** Domestic VC Defendants shall file any replies in support of their motions to dismiss by December 6, 2023.

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II. Additional Briefing Procedures

1. All filings pursuant to the Court's Paperless Order (ECF 216) and this Order shall be formatted in 12-point Times New Roman font and double spaced, including any footnotes, with one-inch margins on all sides.

2. For the avoidance of doubt, the undersigned parties agree that the Master Complaint is intended as the operative pleading for administrative purposes as to all plaintiffs (including Plaintiffs Patrick Rabbitte, Mark Girshovich, Connor O'Keefe, and Steven Siskind) who have asserted claims against Domestic VC Defendants in the separate actions pending in this MDL. Likewise, in addition to the eight cases listed on page 1 of the Master Complaint, the Master Complaint is intended as the operative pleading for administrative purposes as to the following two cases pending in this MDL: *O'Keefe v. Sequoia Capital Operations, LLC*, No. 1:23-cv-20700 (S.D. Fla.) and *O'Keefe v. Temasek Holdings (Private) Limited*, No. 3:23-cv-3655 (N.D. Cal.).

III. Master Complaints; Reservation of Rights

1. The Master Complaint shall be deemed the operative pleading as against Domestic VC Defendants for administrative purposes only to facilitate administration of this MDL. The Master Complaint does not supersede and moot the pending separate actions that have been transferred to this Judicial District for pretrial proceedings under 28 U.S.C. § 1407.

2. All parties reserve the right to seek a transfer of venue under 28 U.S.C. §1404 for the convenience of the parties and/or witnesses, once pretrial proceedings on common issues have been completed within this MDL proceeding. In addition, Domestic VC Defendants reserve the right (if any) under 28 U.S.C. §1407 and *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 34-40 (1998) to seek transfer of any action pending against them in this MDL to the

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Judicial District that such Domestic VC Defendants contend would have been proper under 28 U.S.C. §1391 at the time the action was first commenced.

3. Subject to the provisions in this Order, the filing of the Master Complaint shall not waive any Plaintiff's contentions relating to venue, subject-matter jurisdiction, personal jurisdiction, including in connection with any complaint that is a part of these consolidated matters, or choice of law, all of which are specifically preserved. Likewise, answering or otherwise responding to the Master Complaint shall not waive any Domestic VC Defendant's defenses, objections, motions, exceptions, claims, or contentions related to lack of subject-matter jurisdiction, choice of law, personal jurisdiction, improper venue, *forum non conveniens*, or any other defense or objection that may be specific or unique to any particular Plaintiff, and all such defenses, objections, motions, exceptions, claims, or contentions specific to any particular Plaintiff shall be specifically preserved, including in connection with any complaint that is a part of these consolidated matters.

DONE AND ORDERED in Chambers at Miami, Florida on _____, 2023.

United States District Judge K. Michael Moore

Copies furnished to: All Counsel of Record